

Executive Summary – Enforcement Matter – Case No. 42832

Hill Country Harbor, L.P.

RN101917458

Docket No. 2011-1970-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Hill Country Harbor WWTP, located approximately 3,500 feet west of the intersection of Farm-to-Market Road 2951 and Park Road 36, Graford, Palo Pinto County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 30, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$22,800

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$22,800

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 42832
Hill Country Harbor, L.P.
RN101917458
Docket No. 2011-1970-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 28, 2011

Date(s) of NOE(s): September 28, 2011

Violation Information

1. Failed to properly operate and maintain the Facility [Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0014173001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(5)].
2. Failed to comply with permitted effluent limits for pH, total residual chlorine, total suspended solids, carbonaceous biochemical oxygen demand, and ammonia nitrogen [TPDES Permit No. WQ0014173001, Interims I and II Effluent Limitations and Monitoring Requirements Nos. 1, 2 and 3 and 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a)].
3. Failed to comply with notification requirements [TPDES Permit No. WQ0014173001, Monitoring and Reporting Requirements No. 7.c. and Other Requirements No. 10 and 30 TEX. ADMIN. CODE § 305.125(9)].
4. Failed to comply with security regulations for lift stations [TPDES Permit No. WQ0014173001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 317.3(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On March 28, 2011, submitted the notice of completion for the new wastewater treatment plant;
- b. By July 29, 2011, returned to compliance with permitted effluent limits by adding additional seeding and lime to the system;
- c. On August 8, 2011, sold the Facility; and
- d. On September 28, 2011, the submitted noncompliance notifications for the months of August and September 2010 and provided pictures demonstrating that the lift station lid and the control panel have been secured.

Technical Requirements:

N/A

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Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Cheryl Thompson, Enforcement Division,
Enforcement Team 3, MC R-04, (817) 588-5886; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: John Stelzer, Authorized Representative, Hill Country Harbor, L.P.,
3415 Scenic Point, Graford, Texas 76449-3116
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	3-Oct-2011	Screening	17-Oct-2011	EPA Due	
	PCW	26-Oct-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	Hill Country Harbor, L.P.		
Reg. Ent. Ref. No.	RN101917458		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	42832	No. of Violations	5
Docket No.	2011-1970-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Cheryl Thompson
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$9,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	170.0% Enhancement	Subtotals 2, 3, & 7	\$15,300
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Notes: Enhancement for 20 months of self-reported effluent violations, five NOVs for same/similar violations, one order with denial of liability and one order without denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$2,000
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$537
Approx. Cost of Compliance \$1,670
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$22,300
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OTHER FACTORS AS JUSTICE MAY REQUIRE	2.2%	Adjustment	\$500
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost associated with Violation No. 1.

Final Penalty Amount	\$22,800
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$22,800
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$22,800
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Screening Date 17-Oct-2011

Docket No. 2011-1970-MWD-E

PCW

Respondent Hill Country Harbor, L.P.

Policy Revision 2 (September 2002)

Case ID No. 42832

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101917458

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	25	125%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 170%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for 20 months of self-reported effluent violations, five NOVs for same/similar violations, one order with denial of liability and one order without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 170%

Screening Date 17-Oct-2011

Docket No. 2011-1970-MWD-E

PCW

Respondent Hill Country Harbor, L.P.

Policy Revision 2 (September 2002)

Case ID No. 42832

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101917458

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s)

Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014173001, Operational Requirements No. 1 and 30 Tex. Admin. Code § 305.125(5)

Violation Description

Failed to properly operate and maintain the Facility. Specifically, during the investigation, the clarifier was found to be leaking between the clarifier weirs and wall, sludge was present in the clarifier trough, the bar screen had a large amount of accumulated material on it, and the clarifier skimmer arm was not long enough to reach the wall of the basin and adequately skim the surface.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix
Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

77 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from the July 28, 2011 investigation date to the October 13, 2011 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$500

Violation Final Penalty Total \$2,761

This violation Final Assessed Penalty (adjusted for limits) \$2,761

Economic Benefit Worksheet

Respondent Hill Country Harbor, L.P.
 Case ID No. 42832
 Reg. End. Reference RN101917458
 Media Water Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$500	28-Jul-2011	8-Aug-2011	0.00	\$0	\$500	\$500

Notes for AVOIDED costs

The estimated cost to remove sludge from the clarifier trough and clean bar screen. There was no cost associated with the repair of the clarifier weirs since they were covered under the manufacturer's equipment warranty. Date required is the investigation date and the final date is the date ownership changed.

Approx. Cost of Compliance

\$500

TOTAL

\$500

Screening Date 17-Oct-2011

Docket No. 2011-1970-MWD-E

PCW

Respondent Hill Country Harbor, L.P.

Policy Revision 2 (September 2002)

Case ID No. 42832

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101917458

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 2

Rule Cite(s)

TPDES Permit No. WQ0014173001, Interims I and II Effluent Limitations and Monitoring Requirements Nos. 1, 2 and 3 and 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)

Violation Description

Failed to comply with permitted effluent limits, as documented during an investigation conducted on July 28, 2011. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen and carbonaceous biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels that are protective of human health or the environment. Chlorine residual, pH and total suspended solids were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4

273 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$4,000

Four quarterly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$1,000

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

(mark with x)

Notes

The Respondent returned to compliance with permitted effluent limits by July 29, 2011.

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$35

Violation Final Penalty Total \$10,020

This violation Final Assessed Penalty (adjusted for limits) \$10,020

Economic Benefit Worksheet

Respondent Hill Country Harbor, L.P.
Case ID No. 42832
Reg. Ent. Reference No. RN101917458
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	31-Aug-2010	1-Mar-2011	0.50	\$2	\$33	\$35
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$40	28-Jul-2011	29-Jul-2011	0.00	\$0	n/a	\$0

Notes for DELAYED costs

The actual cost to address the ammonia nitrogen and total suspended solids issue (\$1,000) by adding additional seeding. This action was taken immediately after each excursion occurred. The Date Required is the first month of noncompliance and the Final Date is the date effluent limits were met. The actual cost to address the chlorine and pH excursions (\$40) by adding lime to the system. Date Required is the date the violations occurred. Final date is the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,040

TOTAL

\$35

Screening Date 17-Oct-2011

Docket No. 2011-1970-MWD-E

PCW

Respondent Hill Country Harbor, L.P.

Policy Revision 2 (September 2002)

Case ID No. 42832

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101917458

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 3

Rule Cite(s)

TPDES Permit No. WQ0014173001, Monitoring and Reporting Requirements No. 7.c. and 30 Tex. Admin. Code § 305.125(9)

Violation Description

Failed to comply with notification requirements. Specifically, the Respondent failed to submit notification of violations when values exceed the permitted limits by greater than 40% for the months of August and September 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

61 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,000

Two single events (one event for each notification) are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$500

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

(mark with x)

Notes

The Respondent achieved compliance by September 28, 2011.

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$5,010

This violation Final Assessed Penalty (adjusted for limits) \$5,010

Economic Benefit Worksheet

Respondent Hill Country Harbor, L.P.

Case ID No. 42832

Reg. Ent. Reference No. RN101917458

Media Water Quality

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$20	5-Sep-2010	28-Sep-2011	1.06	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to submit the noncompliance notifications to the TCEQ for the August 2010 and September 2010. The date required is the date the first noncompliance report was due. Final date is the date the notifications were submitted.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20

TOTAL

\$1

Screening Date 17-Oct-2011

Docket No. 2011-1970-MWD-E

PCW

Respondent Hill Country Harbor, L.P.

Policy Revision 2 (September 2002)

Case ID No. 42832

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101917458

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 4

Rule Cite(s)

TPDES Permit No. WQ0014173001, Monitoring and Reporting Requirements No. 7.c. and Other Requirements No. 10 and 30 Tex. Admin. Code § 305.125(9)

Violation Description

Failed to submit the notification of the completion of the new wastewater treatment plant at least 45 days prior to completion of construction activities.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Harm Moderate	Minor
Release			
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			
	x		

Percent 10%

Matrix
Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$250

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

(mark with x)

Notes

The Respondent returned to compliance on March 28, 2011.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$2,505

This violation Final Assessed Penalty (adjusted for limits) \$2,505

Economic Benefit Worksheet

Respondent Hill Country Harbor, L.P.
Case ID No. 42832
Reg. Ent. Reference No. RN101917458
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10	4-Mar-2011	28-Mar-2011	0.07	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit the notice of completion 45 days prior to completion of construction activities. Date require is the date the notification was due. Final date is the date the notification was submitted.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10

TOTAL

\$0

Screening Date 17-Oct-2011

Docket No. 2011-1970-MWD-E

PCW

Respondent Hill Country Harbor, L.P.

Policy Revision 2 (September 2002)

Case ID No. 42832

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101917458

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 5

Rule Cite(s) TPDES Permit No. WQ0014173001, Operational Requirements No. 1 and 30 Tex. Admin. Code § 317.3(a)

Violation Description

Failed to comply with security regulations for the lift stations. Specifically, during the investigation, neither the lift station lid nor the control panel were secured.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

62 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from the of July 28, 2011 investigation date to September 28, 2011 compliance date.

Good Faith Efforts to Comply

25.0% Reduction

\$250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent returned to compliance on September 28, 2011.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$2,505

This violation Final Assessed Penalty (adjusted for limits) \$2,505

Economic Benefit Worksheet

Respondent Hill Country Harbor, L.P.

Case ID No. 42832

Reg. Ent. Reference No. RN101917458

Media Water Quality

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	28-Jul-2011	28-Sep-2011	0.17	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to secure the lift stations. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$1

Effluent Violation Table
Hill Country Harbor, L.P.

Docket No. 2011-1970-MWD-E; RN101917458

TPDES Permit No. WQ0014173001; Case No. 42832

	Interim I Limits				Interim II Limits	
	August 2010	September 2010	January 2011	February 2011	July 28, 2011	July 28, 2011
CBOD ₅ Daily Avg. Conc. 10 mg/L	c	c	c	11	c	c
NH ₃ -N Daily Avg. 3 mg/L	4.57	5.61	c	4.2	c	c
NH ₃ -N Single Grab 15 mg/L	19	29	c	c	c	c
TSS Daily Avg. Conc. 15 mg/L	c	c	17	19	c	c
*Total Residual Chlorine Minimum 1.0 mg/L	c	c	c	c	0.16	0.15
*pH Minimum 6.0 su	c	c	c	c	2.5	2.78

mg/L = milligrams per liter; c = compliant; MGD = million gallons per day; TSS = total suspended solids; avg.= average; Conc. = concentration; NH₃-N = ammonia nitrogen; CBOD₅ = 5-day carbonaceous biochemical oxygen demand; * = grab samples taken during investigation; su = standard units

Compliance History

Customer/Respondent/Owner-Operator:	CN603574500	Hill Country Harbor, L.P.	Classification: AVERAGE	Rating: 2.67
Regulated Entity:	RN101917458	HILL COUNTRY HARBOR WWTP	Classification: AVERAGE	Site Rating: 2.67
ID Number(s):	WASTEWATER	PERMIT	WQ0014173001	
	WASTEWATER	EPA ID	TX0121797	
Location:	Approximately 3,500 feet west of the intersection of FM Rd 2951 and Park Rd 36, Graford, Palo Pinto County			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	December 06, 2011			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	October 17, 2006 to October 17, 2011			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Cheryl Thompson		Phone:	(817) 588-5886

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? OWN Palo Pinto County Water Control and Improvement District 1
4. If Yes, who was/were the prior owner(s)/operator(s)? OWN Hill Country Harbor, L.P.
OWN Scenic Point Northview, Inc.
5. When did the change(s) in owner or operator occur? 3/1/2007
8/8/2011
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
- | | |
|---|----------------------------|
| Effective Date: 09/21/2009 | ADMINORDER 2009-0527-MWD-E |
| Classification: Moderate | |
| Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | |
| Rqmt Prov: Effluent Limits PERMIT | |
| Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data. | |
-
- | | |
|--|----------------------------|
| Effective Date: 05/08/2011 | ADMINORDER 2010-1941-MWD-E |
| Classification: Moderate | |
| Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1) | |
| Rqmt Prov: Effluent Limits PERMIT | |
| Description: Failure to comply with permit effluent limits for ammonia nitrogen as documented by a TCEQ record review of self-reported data. | |
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|----|------------|----------|
| 1 | 08/23/2007 | |
| 2 | 11/15/2007 | (600793) |
| 3 | 11/01/2007 | (632173) |
| 4 | 01/24/2007 | (632174) |
| 5 | 11/01/2007 | (632175) |
| 6 | 01/24/2007 | (632176) |
| 7 | 11/01/2007 | (632177) |
| 8 | 01/24/2007 | (632178) |
| 9 | 01/24/2007 | (632179) |
| 10 | 11/01/2007 | (632180) |
| 11 | 07/19/2007 | (632181) |
| 12 | 11/01/2007 | (632182) |
| 13 | 11/01/2007 | (632183) |

14	11/01/2007	(632184)
15	11/01/2007	(632185)
16	11/01/2007	(632186)
17	11/01/2007	(632187)
18	12/03/2007	(632188)
19	11/01/2007	(632189)
20	12/27/2007	(632190)
21	11/01/2007	(632191)
22	02/22/2008	(677489)
23	02/20/2008	(677490)
24	02/20/2008	(677491)
25	01/07/2008	(677492)
26	01/14/2008	(677493)
27	03/12/2008	(696247)
28	04/23/2008	(696248)
29	05/19/2008	(696249)
30	07/07/2008	(717905)
31	07/21/2008	(717906)
32	09/15/2008	(717907)
33	03/20/2009	(725977)
34	09/30/2008	(733203)
35	10/20/2008	(733204)
36	11/21/2008	(733205)
37	12/29/2008	(733206)
38	01/16/2009	(733207)
39	06/10/2009	(748784)
40	02/17/2009	(756355)
41	03/10/2009	(756356)
42	04/20/2009	(756357)
43	08/26/2009	(767351)
44	05/14/2009	(773311)
45	06/14/2009	(773312)
46	02/17/2010	(820134)
47	12/10/2009	(820135)
48	01/20/2010	(820136)
49	03/18/2010	(836302)
50	04/18/2010	(836303)
51	05/24/2010	(836304)
52	06/20/2010	(847935)
53	07/20/2010	(862356)
54	10/28/2010	(863450)
55	10/28/2010	(864641)
56	08/31/2010	(868981)
57	11/19/2010	(873115)
58	09/19/2010	(875828)
59	10/19/2010	(883411)
60	12/15/2010	(884784)
61	01/06/2011	(887336)
62	11/20/2010	(889799)
63	12/20/2010	(898165)
64	01/13/2011	(904066)
65	02/20/2011	(910942)
66	03/29/2011	(918217)
67	04/20/2011	(930754)
68	08/13/2009	(930755)
69	08/27/2009	(930756)
70	09/19/2009	(930757)
71	10/15/2009	(930758)

72 11/17/2009 (930759)
 73 05/20/2011 (939924)
 74 09/28/2011 (943845)
 75 06/20/2011 (947337)
 76 07/27/2011 (954595)
 77 10/10/2011 (958883)
 78 08/27/2011 (961179)
 79 09/20/2011 (967281)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 07/31/2007 (632183) CN603332966
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/24/2007 (568429) CN603332966
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 WQ14173-001 PERMIT
 Description: Failure to submit monthly discharge monitoring reports (DMRs) to the TCEQ
 Compliance Monitoring Team.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ14173-001 PERMIT
 Description: Failure to comply with the permit limit for total residual chlorine (TRC) maximum of 4.0

Date: 08/31/2007 (632184) CN603332966
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2007 (632186) CN603332966
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2008 (677489) CN603332966
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 02/29/2008 (696247) CN603332966
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2008 (696248) CN603332966
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2008 (717905) CN603332966
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/31/2008 (733205) CN603332966
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2008 (733206) CN603332966
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/26/2009 (737825) CN603332966
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 WQ14173-001 PERMIT
 Description: Failure by Scenic Point Northview to maintain adequate safeguards to prevent discharge of
 untreated or inadequately treated wastes during electrical power failure.

Self Report? NO Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 2D TWC Chapter 26, SubChapter A 26.121(a)(3)
 2D TWC Chapter 26, SubChapter A 26.121(b)
 2D TWC Chapter 26, SubChapter A 26.121(c)
 2D TWC Chapter 26, SubChapter A 26.121(d)
 2D TWC Chapter 26, SubChapter A 26.121(e)
 30 TAC Chapter 305, SubChapter F 305.125(4)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 TWC Chapter 26 26.121
 TWC Chapter 26 26.121(a)(2)
 WQ14173-001 PERMIT
 Description: Failure to prevent the unauthorized discharge of wastewater in the collection system.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)
 WQ14173-001 PERMIT

Description: Failure to report sanitary sewer overflows to the TCEQ.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ14173-001 PERMIT

Description: Failure to comply with the total chlorine residual effluent maximum limit of 4.0 mg/L.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(d)

Description: Failure to measure flow appropriately.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ14173-001 PERMIT

Description: Failure to comply with the effluent permit limits for NH3N, TSS, and TCR.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to maintain protection and alarms at lift stations.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter D 305.65

Description: Failure to submit renewal permit application in a timely manner.
 Date 04/30/2009 (773311) CN603332966
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date 05/31/2009 (773312) CN603332966
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date 07/24/2009 (763116) CN603332966
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 WQ14173-001 PERMIT

Description: Failure to comply with minimum effluent permit limits for total residual chlorine.
 Date 08/31/2009 (930757) CN603332966
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date 11/30/2009 (820135) CN603332966
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date 12/31/2009 (820136) CN603332966
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date 07/31/2010 (868981) CN603332966
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date 08/31/2010 (875828) CN603332966
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date 09/30/2010 (883411) CN603332966
 Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter
 Date 10/21/2010 (849705) CN603332966

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to comply with effluent parameter grab limits during the investigation.		
Date	10/22/2010 (863450)	CN603332966	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)		
Description:	Failure to maintain lift station(s) according to TCEQ design requirements.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 317 317.6 WQ0014173-001 PERMIT		
Description:	Failure to utilize an approved method of disinfection.		
Self Report?	NO	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 2D TWC Chapter 26, SubChapter A 26.121(a)(1) 2D TWC Chapter 26, SubChapter A 26.121(a)(3) 2D TWC Chapter 26, SubChapter A 26.121(b) 2D TWC Chapter 26, SubChapter A 26.121(c) 2D TWC Chapter 26, SubChapter A 26.121(d) 2D TWC Chapter 26, SubChapter A 26.121(e) 30 TAC Chapter 305, SubChapter F 305.125(4) 30 TAC Chapter 305, SubChapter F 305.125(5) TWC Chapter 26 26.121 TWC Chapter 26 26.121(a)(2) WQ0014173-001 PERMIT		
Description:	Failure to prevent unauthorized discharges from the wastewater plant or collection system.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014173-001 PERMIT		
Description:	Failure to comply with effluent grab sample limits during the investigation.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014173-001 PERMIT		
Description:	Failure to comply with the self-monitoring permit limitations.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.4 WQ0014173-001 PERMIT		
Description:	Failure to analyze for the parameters specified in the permit.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) WQ0014173-001 PERMIT		
Description:	Failure to comply with the noncompliance notification reporting requirements, specifically when an effluent monitoring parameter exceeds the permitted value by greater than 40% or has the potential of endangering human health or safety, or the environment.		
Date	01/31/2011 (910942)	CN603332966	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2011 (918217)	CN603332966	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/30/2011 (939924)	CN603332966	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HILL COUNTRY HARBOR, L.P.
RN101917458

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2011-1970-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Hill Country Harbor, L.P. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment plant located approximately 3,500 feet west of the intersection of Farm-to-Market Road 2951 and Park Road 36 in Grafard, Palo Pinto County, Texas (the "Facility").

2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. During an investigation conducted on July 28, 2011, TCEQ staff documented that the Respondent did not properly operate and maintain the Facility. Specifically, during the investigation, the clarifier was found to be leaking between the clarifier weirs and wall, sludge was present in the clarifier trough, the bar screen had a large amount of accumulated material on it, and the clarifier skimmer arm was not long enough to reach the wall of the basin and adequately skim the surface.
4. During an investigation conducted on July 28, 2011, TCEQ staff documented that the Respondent exceeded the permitted effluent limits as shown in the table below:

	Interim I Limits				Interim II Limits	
	August 2010	September 2010	January 2011	February 2011	July 28, 2011	July 28, 2011
CBOD5 Daily Avg. Conc. 10 mg/L	c	c	c	11	c	c
NH3-N Daily Avg. 3 mg/L	4.57	5.61	c	4.2	c	c
NH3-N Single Grab 15 mg/L	19	29	c	c	c	c
TSS Daily Avg. Conc. 15 mg/L	c	c	17	19	c	c
*Total Residual Chlorine Minimum 1.0 mg/L	c	c	c	c	0.16	0.15
*pH Minimum 6.0 su	c	c	c	c	2.5	2.78

mg/L = milligrams per liter; c = compliant; MGD = million gallons per day; TSS = total suspended solids; avg. = average; conc. = concentration; NH3-N = ammonia nitrogen; CBOD5 = 5-day carbonaceous biochemical oxygen demand; * = grab samples taken during investigation; su = standard units

5. During an investigation conducted on July 28, 2011, TCEQ staff documented that the Respondent did not submit notification of violations when values exceed the permitted limits by greater than 40% for the months of August and September 2010, and did not

submit the notification of the completion of the new wastewater treatment plant at least 45 days prior to completion of construction activities.

6. During an investigation conducted on July 28, 2011, TCEQ staff documented that the neither the lift station lid nor the control panel were secured.
7. The Respondent received notice of the violations on October 5, 2011.
8. The Executive Director recognizes that the Respondent implemented the following corrective measures:
 - a. On March 28, 2011, submitted the notice of completion for the new wastewater treatment plant;
 - b. By July 29, 2011, returned to compliance with permitted effluent limits by adding additional seeding and lime to the system;
 - c. On August 8, 2011, sold the Facility; and
 - d. On September 28, 2011, the submitted noncompliance notifications for the months of August and September 2010 and provided pictures demonstrating that the lift station lid and the control panel have been secured.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to properly operate and maintain the Facility, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014173001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(5).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to comply with permitted effluent limits, in violation of TPDES Permit No. WQ0014173001, Interims I and II Effluent Limitations and Monitoring Requirements Nos. 1, 2 and 3 and 30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a).
4. As evidenced by Findings of Fact No. 5, the Respondent failed to comply with notification requirements, in violation of TPDES Permit No. WQ0014173001, Monitoring and Reporting Requirements No. 7.c. and Other Requirements No. 10 and 30 TEX. ADMIN. CODE § 305.125(9).
5. As evidenced by Findings of Fact No. 6, the Respondent failed to comply with security regulations for lift stations, in violation of TPDES Permit No. WQ0014173001, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 317.3(a).

6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of Twenty-Two Thousand Eight Hundred Dollars (\$22,800) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Twenty-Two Thousand Eight Hundred Dollar (\$22,800) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Twenty-Two Thousand Eight Hundred Dollars (\$22,800) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Hill Country Harbor, L.P., Docket No. 2011-1970-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
4. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the

Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

6. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Joneir Jr.

For the Executive Director

7/13/12

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Hill Country Harbor, L.P. I am authorized to agree to the attached Agreed Order on behalf of Hill Country Harbor, L.P., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Hill Country Harbor, L.P. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]
Signature

1/31/12
Date

John D. Stetler
Name (Printed or typed)
Authorized Representative of
Hill Country Harbor, L.P.

Authorized Representative
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.